



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2015 REGULAR SESSION

---

HOUSE BILL NO. 370

---

---

FRIDAY, FEBRUARY 27, 2015

---

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE April 2, 2015  
3:22pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

1 AN ACT relating to traffic regulations.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 189.338 is amended to read as follows:

4 Whenever traffic is controlled by traffic-control signals exhibiting different colored lights  
5 or colored lighted arrows, successively one at a time or in combination, only the colors  
6 green, red, and yellow shall be used, except for special pedestrian signals carrying a word  
7 legend or symbolic message, and said lights shall indicate and apply to drivers of vehicles  
8 and pedestrians as follows:

9 (1) Green indication.

10 (a) Vehicular traffic facing a circular green signal may proceed straight through or  
11 turn right or left unless a sign at such place prohibits either such turn. But  
12 vehicular traffic, including vehicles turning right or left, shall yield the right-  
13 of-way to other vehicles and to pedestrians lawfully within the intersection or  
14 an adjacent crosswalk at the time such signal is exhibited.

15 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination  
16 with another indication, may cautiously enter the intersection only to make the  
17 movement indicated by such arrow, or such other movement as is permitted  
18 by other indications shown at the same time. Such vehicular traffic shall yield  
19 the right-of-way to pedestrians lawfully within an adjacent crosswalk and to  
20 other traffic lawfully using the intersection.

21 (c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing  
22 any green signal, except when the sole green signal is a turn arrow, may  
23 proceed across the roadway within any marked or unmarked crosswalk.

24 (d) Vehicular traffic that entered an intersection on a circular green or yellow  
25 indication is allowed to complete a left turn during the red indication.

26 (2) Steady yellow indication.

27 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the

1 related green movement is being terminated or that a red indication will be  
 2 exhibited immediately thereafter when vehicular traffic shall not enter the  
 3 intersection.

- 4 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a  
 5 pedestrian-control signal, are thereby advised that there is insufficient time to  
 6 cross the roadway before a red indication is shown, and no pedestrian shall  
 7 then start to cross the roadway.

8 (3) Steady red indication.

- 9 (a) Vehicular traffic facing a circular red signal alone shall stop at a clearly  
 10 marked stop line but, if none, then before entering the crosswalk on the near  
 11 side of the intersection or, if none, then before entering the intersection and  
 12 shall remain standing until a green indication is shown, except as follows:

- 13 1. The driver of a vehicle which is stopped as required by this  
 14 paragraph~~[subsection (3)(a)]~~ with the intention of making a right turn,  
 15 may make such right turn, after stopping, unless an official sign has been  
 16 erected prohibiting such movement, but shall yield the right-of-way to  
 17 pedestrians and other traffic lawfully proceeding through the  
 18 intersection;~~[-]~~
- 19 2. The driver of a vehicle which is stopped as required by this  
 20 paragraph~~[subsection (3)(a)]~~ whose vehicle is in the left lane of a one-  
 21 way highway with the intention of making a left turn onto the left lane of  
 22 another one-way highway with the flow of traffic, may make such left  
 23 turn, after stopping, unless an official sign has been erected prohibiting  
 24 such movement, but shall yield the right-of-way to pedestrians and other  
 25 traffic lawfully proceeding through the intersection; and~~[-]~~
- 26 3. In instances where there are two (2) right or left turn lanes, an allowable  
 27 turn under this paragraph may be made from either lane unless a

1 regulatory sign specifically prohibits it.

2 (b) Cities and counties may, by ordinance, and the department of highways may,  
3 by regulation, prohibit any such right or left turn against a steady red signal at  
4 any intersection, which prohibition shall be effective when an official sign  
5 prohibiting such movement is erected at the intersection.

6 (c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a  
7 steady red signal alone shall not enter the roadway.

8 (4) In the event an official traffic-control signal is erected and maintained at a place  
9 other than an intersection, the provisions of this section shall be applicable except  
10 as to those provisions which by their nature can have no application. Any stop  
11 required shall be made at a sign or marking on the pavement indicating where the  
12 stop shall be made, but in the absence of any such sign or marking the stop shall be  
13 made at the signal.

14 (5) Whenever an illuminated flashing red or yellow light is used in a traffic signal or  
15 with a traffic sign it shall require obedience by vehicular traffic as follows:

16 (a) Flashing red (stop signal) - When a red lens is illuminated with rapid  
17 intermittent flashes, operators of vehicles shall stop at a clearly marked stop  
18 line but, if none, before entering the crosswalk on the near side of the  
19 intersection or, if none, then at the point nearest the intersecting roadway  
20 where the operator has a view of approaching traffic on the intersecting  
21 roadway before entering it, and the right to proceed shall be subject to the  
22 rules applicable after making a stop at a stop sign; ~~and~~]

23 (b) Flashing yellow (caution signal) - When a yellow lens is illuminated with  
24 rapid intermittent flashes, operators of vehicles may proceed through the  
25 intersection or past such signal only with caution.

26 **(6) Any person operating a motorcycle who violates subsection (3) of this section by**  
27 **entering or crossing an intersection controlled by a traffic control signal against**

1 a steady red light shall have an affirmative defense to that charge if the person  
2 establishes all of the following conditions:

3 (a) The motorcycle was brought to a complete stop;

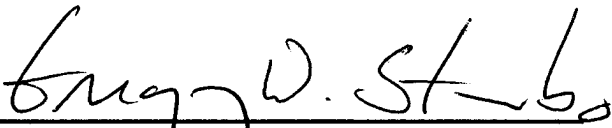
4 (b) The traffic control signal continued to show a steady red light for one  
5 hundred twenty (120) seconds or the traffic control signal at the intersection  
6 has completed two (2) lighting cycles;

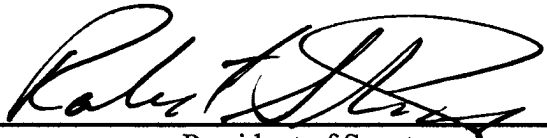
7 (c) The traffic control signal was apparently malfunctioning or, if programmed  
8 or engineered to change to a green light only after detecting the approach of  
9 a motor vehicle, the signal apparently failed to detect the arrival of a  
10 motorcycle; and

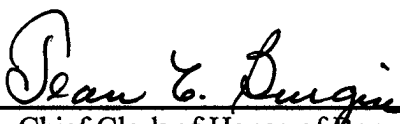
11 (d) No motor vehicle or person was approaching on the street or highway to be  
12 crossed or entered, or any approaching person or vehicle was so far away  
13 from the intersection that it did not constitute an immediate hazard.

14 (7) The affirmative defense outlined in subsection (6) of this section shall only apply  
15 to a violation for entering or crossing an intersection controlled by a traffic  
16 signal against a steady red light and shall not provide a defense to any other civil  
17 or criminal action.

18 (8) In the event a motorcyclist exercises the affirmative defense provisions set forth  
19 in subsection (6) of this section, the Transportation Cabinet or its employees are  
20 specifically immune from any and all civil liability arising from any such claim,  
21 lawsuit, or dispute. Any claim, lawsuit, or dispute against the Transportation  
22 Cabinet as a result of the affirmative defense set forth in subsection (6) of this  
23 section, shall be brought using the provisions outlined in KRS Chapter 44.

  
\_\_\_\_\_  
Speaker-House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date 4-2-15